

2023-1463

United States Court of Appeals
for the Federal Circuit

GESTURE TECHNOLOGY PARTNERS, LLC
Appellant,

v.

APPLE INC., LG ELECTRONICS INC., LG ELECTRONICS USA, INC.,
GOOGLE LLC,
Appellees

Appeal from the United States Patent and Trademark Office in *Inter Partes*
Review No. IPR2021-00922, IPR2022-00090, IPR2022-00360

**UNOPPOSED MOTION FOR A 59-DAY EXTENSION
OF TIME TO FILE APPELLANT'S PRINCIPAL BRIEF**

Dated: May 3, 2023

Respectfully submitted,

/s/ Fred I. Williams

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FORM 9. Certificate of Interest

Form 9 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 2023-1463

Short Case Caption Gesture Technology Partners, LLC v. Apple Inc.

Filing Party/Entity Gesture Technology Partners, LLC

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 05/03/2023

Signature: /s/ Fred I. Williams

Name: Fred I. Williams

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

| 1. Represented Entities. Fed. Cir. R. 47.4(a)(1). | 2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2). | 3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3). |
|---|---|--|
| Provide the full names of all entities represented by undersigned counsel in this case. | Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input type="checkbox"/> None/Not Applicable | Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input type="checkbox"/> None/Not Applicable |
| Gesture Technology Partners, LLC | N/A | N/A |
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☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
July 2020

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☒ None/Not Applicable ☐ Additional pages attached

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5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☐ None/Not Applicable ☐ Additional pages attached

| | | |
|------------------|--|--|
| See Attachment A | | |
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| | | |

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

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Attachment A to Certificate of Interest:

5. Related Cases.

- *Gesture Technology Partners, LLC v. Apple Inc.*, 4:22-cv-04806-YGR (U.S. District Court for the Northern District of California)
- *Gesture Technology Partners, LLC v. Motorola Mobility LLC*, 1:22-cv-03535 (U.S. District Court for the Northern District of Illinois)
- *Gesture Technology Partners, LLC v. LG Electronics Inc. et al.*, 2:21-cv-19234-EP-MAH (U.S. District Court for the District of New Jersey)
- *Ex Parte* Reexamination No. 90/014,900 of U.S. Patent No. 8,553,079, before the United States Patent and Trademark Office (reexam ordered December 20, 2021).

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellant Gesture Technology Partners, LLC (“Appellant”) respectfully moves for a 59-day extension of time – from May 19, 2023, up to and including July 17, 2023 – within which to file its Principal Brief. This is Appellant’s first request for extension of time to file its Principal Brief. Appellees Apple Inc., LG Electronics Inc., LG Electronics USA, Inc., and Google, LLC (“Appellees”) do not oppose this motion.

As set forth in the accompanying declaration, there is good cause for the proposed extension. The existing briefing schedule conflicts with other professional obligations of Appellant’s counsel. Accordingly, Appellant requests the additional time to file its Principal Brief.

For the foregoing reasons, Appellant respectfully requests that the Court extend the time to file its Principal Brief by 59 days, up to and including July 17, 2023.

DECLARATION OF FRED I. WILLIAMS

I, Fred I. Williams, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner of Williams Simons & Landis PLLC in Austin, Texas, and lead counsel of record for Appellant Gesture Technology Partners, LLC (“Appellant”).

2. I make this declaration in support of Appellant’s Motion for a 59-Day Extension of Time to File Its Principal Brief from May 19, 2023, up to and including July 17, 2023. This is Appellant’s first request for an extension to file its Principal Brief. Appellees Apple Inc., LG Electronics Inc., LG Electronics USA, Inc., and Google, LLC (“Appellees”) are unopposed to the requested relief.

3. Appellant’s counsel of record have significant additional client responsibilities that interfere with our ability to complete Appellant’s Principal Brief by May 19, 2023. Those matters include (i) taking a deposition in *Ecoark Holdings, Inc. et al. v. Deloitte Consulting LLP*, No. A-21-841379 (Eighth Judicial District Court, Clark County, Nevada), on May 2, 2023; (ii) filing a motion to redact in *Estech Systems IP, LLC v. Carvana LLC* (“Carvana”), No. 2:21-cv-00482-JRG-RSP (E.D. Tex.), on May 4, 2023; (iii) attending a mediation in *Estech Systems IP, LLC v. Mitel Networks, Inc.* (“Mitel”), 2:21-cv-00473-JRG-RSP (E.D. Tex.), on May 4, 2023; (iv) answering counterclaims in *Dynapass IP Holdings LLC v. Amazon.com, Inc. et al.* (“Amazon”), No. 2:23-cv-00063JRG-RSP (E.D. Tex.), on May 5, 2023; (v) filing dismissal papers in *Estech Systems IP, LLC v. 99 Cents Only Stores, LLC*,

No. 2:22-cv-00006-JRG-RSP (E.D. Tex.), on May 8, 2023; (vi) filing responses to Office Actions in *Ex Parte* Reexamination No. 90/014,900 of U.S. Patent No. 8,553,079 (United States Patent and Trademark Office) and *Ex Parte* Reexamination No. 90/014,903 of U.S. Patent No. 8,878,949 (United States Patent and Trademark Office), on May 10, 2023; (vii) attending an in-person status hearing in *Gesture Technology Partners, LLC v. Motorola Mobility, LLC* (“Motorola”), No. 1:22-cv-03535 (N.D. Ill.), on May 11, 2023; (viii) attending a hearing in *Topia Technology, Inc. v. Dropbox, Inc., et al.*, No. 3:23-cv-00062-JSC (N.D. Ca.), on May 11, 2023; (ix) filing a principal brief in *Gesture Technology Partners, LLC, v. United Patents, LLC*, No. 2023-1444 (Fed. Cir.), on May 12, 2023; (x) attending trial in *Carvana* from May 12 - 19, 2023; (xi) serving written discovery responses in *MG Freesites Ltd. v. Scorpcast, LLC d/b/a HaulStars* (“HaulStars”), No. 1:20-cv-01012-MFK (D. Del.), on May 15, 2023; (xii) filing dispositive and Daubert motions in *Mitel* on May 15, 2023; (xiii) serving infringement contentions in *Amazon* on May 16, 2023; (xiv) filing principal briefs in *Estech Systems, Inc. v. RingCentral, Inc.*, No. 2023-1241 (Fed. Cir.) and *Estech Systems, Inc. v. RingCentral, Inc.*, No. 2023-1242 (Fed. Cir.) on May 18, 2023; and (xv) serving written discovery responses *EcoFactor, Inc. v. Vivint, Inc.*, No. 6:22-cv-00034 (W.D. Tex.), on May 19, 2023. Accordingly, Appellant requests additional time to file its Principal Brief from May 19, 2023, up to and including July 17, 2023.

4. For those reasons, good cause exists for the requested extension. I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 3, 2023

/s/ Fred I. Williams

Fred I. Williams

Principal Attorney

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system on May 3, 2023.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: May 3, 2023

/s/ Fred I. Williams
Fred I. Williams

FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2023-1463

Short Case Caption: Gesture Technology Partners, LLC v. Apple Inc.

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 658 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 05/03/2023

Signature: /s/ Fred I. Williams

Name: Fred I. Williams